

AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 19, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: VAR-23073 - APPLICANT/OWNER: JELENA L. KUNOVAC
AND ZORAN BASARABA**

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (6-1/sd vote) recommends APPROVAL, subject to:

Planning and Development

1. Conformance to the conditions for Site Development Plan Review (SDR-23072), if approved.
2. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Variance to allow seven parking spaces where nine is the minimum required for a proposed Medical Office development on 0.17 acres at 328 South Jones Boulevard. As the property is able to be developed for a general, rather than a medical office use that would meet parking standards, the recommendation is for denial.

An associated Site Development Plan Review (SDR-23072) will also be heard with this item.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
05/01/91	The City Council approved a request for a Rezoning (Z-0026-91) from R-1 (Single Family Residential) to P-R (Professional Office and Parking) on the subject site as part of a larger request. The Planning Commission and staff recommended denial.
05/17/06	The City Council approved a city-initiated request (GPA-12156) to amend the Southeast Sector Plan of the General Plan from L (Low Density Residential) to O (Office) on this site as part of a larger request. The Planning Commission and staff recommended approval.
05/25/07	Code Enforcement (Case #53720) failed an inspection for high weeds and grass, refuse and waste at 328 South Jones Boulevard. After issuance of a letter and two follow up inspections, the issue was resolved 06/20/07.
08/23/07	The Planning Commission recommended approval of companion item SDR-23072 concurrently with this application. The Planning Commission voted 6-1/sd to recommend APPROVAL (PC Agenda Item #43/ss).
<i>Related Building Permits/Business Licenses</i>	
05/07/91	A building permit (#91105469) was issued for a city design masonry block wall at 328 South Jones Boulevard. A final inspection was completed 05/20/91.
09/05/97	A building permit (#97018444) was issued for electrical service relocation at 328 South Jones Boulevard. An inspection for a service change was completed 09/11/97.
06/29/98	A building permit (#98013532) was issued for an attached greenhouse at 328 South Jones Boulevard. A final inspection was completed 08/18/98.
<i>Pre-Application Meeting</i>	
06/25/07	Application requirements for a Variance and Site Development Plan Review were discussed. The status of the existing P-R zoning on the site was also discussed and determined to be active.

<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required for this application, nor was one held.	
<i>Field Check</i>	
07/16/07	The site contains a two-level single-family residence with asphalt roof shingles and exterior siding. The rear elevation includes an enclosed sun room with windows on the north, south and east sides. There is a large mature tree in the front yard with no other existing landscaping. One of the existing rooftop A/C units is missing an exterior panel. A decorative block wall is located on the north property line.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.17

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Single-Family Residential	O (Office)	R-1 (Single Family Residential) under Resolution of Intent to P-R (Professional Office and Parking)
North	Office	O (Office)	P-R (Professional Office and Parking)
South	Office	O (Office)	P-R (Professional Office and Parking)
East	Single-Family Residential	L (Low Density Residential)	R-1 (Single Family Residential)
West	Single-Family Residential	L (Low Density Residential)	R-1 (Single Family Residential)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O Airport Overlay District (175 Feet)	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Office, Medical	1,716 SF	1 space/ 200 SF GFA up to 2,000 SF	8	1	6	1	N
TOTAL			9		7		
Loading Spaces			N/A		None		N/A
Percent Deviation					22%		

ANALYSIS

The conversion of the single-family residence to a commercial office building on this site will require nine parking spaces for a medical office use, as opposed to six parking spaces for a general office use. Had the proposal been for a general office use, the parking requirements would be met by the proposed site plan. A portion of the existing garage and a recent sun room addition, together totaling approximately 860 square feet, are proposed to be removed in order to add additional parking spaces. The two spaces needed to satisfy the medical office parking requirement could be added if the landscape planter proposed along the south property line is reduced and the accessible space is shifted south. The planter does not meet current buffer standards and already requires a waiver, which accompanies the related Site Development Plan Review (SDR-23072).

FINDINGS

In accordance with the provisions of Title 19.18.070(B), the Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.18.070(L) states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing a medical office use that does not meet parking requirements. A general office use would allow conformance to the Title 19 requirements. It is possible for the medical office requirements to be met if a portion of the proposed landscape planter along the south property line is instead used for parking. In view of the absence of any hardships imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 3

SENATE DISTRICT 3

NOTICES MAILED 400 - by City Clerk

APPROVALS 0

PROTESTS 0